NEW YORK HERALD.

JAMES GORDON BENNETT, PROPRIETOR.

JAMES GORDON BENNETT, JR., MANAGER.

BROADWAY AND ANN STREET.

THE DAILY HERALD, published every day in the year, Frencents per copy. Annual subscription price, \$14. JOB PRINTING of every description, also Stereoing and Engraving, neatly and promptly executed a

Volume XXXII..... No. 138 AMUSEMENTS THIS APTERNOON AND EVENING.

BROADWAY THEATRE, Broadway, near Brooms

OLYMPIC THEATRE, Broadway, -David Copperint

GERMAN STADT THEATRE, 45 and 47 Bowery. WORRRILL SISTERS' NEW YORK THEATER. Oppo-site New York Hofel, -Tak ELVES-CINDERSLLA-FOOL OF YOUR PARILY. Mallage at \$0'0jook.

THEATRE PRANCAIS, Pourteenth street near St

ACADEMY OF MUSIC, Irving place.—THE INPERIA

SAN FRANCISCO MINSTRELS, 595 Broadway, opposition metropolitan Hotel—In them Ethiopian Entertain invest, Singing, Dancing and Burlesques,—The Black Cook—Investigat Japanese Trouve.

RELLY & LEON'S MINSTREES, 729 Broadway, opposite the New York Tokel.—In Their Songs, Dances, Econstructures, Burlingurs, &c.—Cinder-Leon—Madagascan Baeler Troupes—The Japa.

FIFTH AVENUE OPERA HOUSE, Nos. 2 and 4 West twonty-fourth atreed.—Gairrien & Chinisty's Minstrass.— Structure Minstrassy, Ballans, Buzilisgins, &c.—The Bogus Japannese Juggleris.—Upper Ten Thousand. Matinee 4 25 o'clock

TONY PASTOR'S OPERA HOUSE, 201 Bovery —Com FORALISM. NEGRO MINSTREASY. BUSILESQUES. BALLEY DIVER TISSERMENT, &C.—TRUE BLUE. Mattnee at 2% o'clock. HOOLEY'S OPERA HOUSE, Brooklyn.—ETHIOPIAN

THE BUNYAN TABLEAUX. Union Hall, corner wenty-third street and Broadway, at 8.—Mourac on or THE PLORES PROGRESS—SLYPY MAKED CORNEL Mattings Wednesday and Saturday at 25,0000. NEW YORK MUSBUM OF ANATOMY, 618 Broadway. lead and Right Arm of Probst.—The Washington
wins.—Wonders in Natural History, Science and Arr
accross Dally. Open from 8 A.M. till 10 P. M.

New York, Saturday, May 18, 1867.

TRIPLE SHEET

REMOVAL

The Naw YORK HERALD establishment is now located in the new HERALD Building, Broadway and Ann street.

NOTICE TO ADVERTISERS.

Advertisers will please bear in mind that in order to have their advertisements properly classi-Sed they should be sent in before half-past eight e'clock in the evening.

THE NEWS.

RUROPE

The news report by the Atlantic cable is dated yeste day evening, May 17.

have been fought between the Turks and insurgent Christians in Candia. The Turks were, it is said, desated in both, and the united loss of Omar Pacha's unts to three thousand men.

The Christian powers have again advised the Sultan to

cede the island of Orete to Greece.

The Americans in Berlin have done appropriate honor by the memory of the late United States Minister Wright. Bustria, by imperial decree, is more telerant to the Pro-Instants of Hungary.

ue has reappeared in England

els closed at 92% for money in London. Five-s were at 72% in London, and 78% in Frankfort. The Liverpool cotton market closed firm, with mid-ing uplands at 11%d. Breadstuffs dull and a little ward. Provisions quiet and unchanged.

Our special correspondence from Constantinople, dated the 20th of April, contains matter relative to the prohes of the Eastern question to a war crisis, which is of b highest importance, particularly when read in con-ction with our cable dispatches announcing the defeat

howed representation of the great Powers to the Sultan to the advisability of the cession of Crete to Greece.

Resets, according to the report, was gradually encircling the Turktah provinces, due east, south, and southeast, with her troops, and large bodies of the soldiers of the Car were stationed near Simpharonal hatman. the Czar were stationed near Simpheropol, between Kars and Tidis, while the country between Kars and Exercum, in Armenia, was scoured by Russian cavalry. Behastopol "stronger than ever," had one hundred and fifty thousand men in and around the city. Odess was was prepared to administer at any moment to the effects of the "sick man" with profit to herself.

Bankrupt almost in treasury finance, the Sultan was sur-rounded with home difficulties tending even to open insur-rection in the capital. In a case of grievance to some Ital-tan fishermes, the Minister of Victor Emanuel recently appeared in the Imperial presence, and deman dress in haughty and peremptory language. The people subject to the Porte groan under the heavy load of taxa-tion which they are called on to bear, while French off cers travel the interior of the empire, noting and report ing on its industrial capacities, products and mines.

THE CITY

Jefferson Davis still remains at the New York Hotel, which he has not left since his arrival in the city. He to said to be somewhat indisposed, but if his health per-

A special meeting of the Board of Aldermen tool place yesterday, at which the annual report of the Comp-troiler was received, showing the actual debt of the city to be \$22,142,245 11, the receipts of last year to be \$23,736,321 55, and the amount paid out in the same time \$21,642,641 83. Resolutions to consider the ad-visability of removing the sidewalks of the Park (City Hall) on the east and west sides inside the railing, so as rings ways were adopted. The tax levy was concurred in. An ordinance for the creation of \$75,000 worth of

market stock was laid over.

The Board of Councilmen met yesterday and adopted
the tax levy as passed by the Legislature. The resolution herotofore presented providing for the appointment
of a joint committee to celebrate the Fourth of July, was amended by appropriating twenty thousand dellar for that object, and the resolution was then laid over A resolution was adopted directing the Croton Aquedu avenue from Fortieth to Fifty-ninth streets with the Biafford wooden pavement. The Corporation Counsel is a communication to the Board stated that the Commisers of the Central Park and the Common Council current juradiction in the matter of opening streets and avenues between Fifty-ninth and 155th

In the Supreme Court, Chambers, yesterday, Judge Sutherland granted the application to vacate the man-damus directing Comptroller Connoily to execute the Seases in favor of Fernando Wood of his property Nos.

In the Superior Court yesterday, in the case of Franci McGabey vs. the same defendants, and in the case of Francis McGabey as administrator of Ross McGabey and Francis McGabey, Jr., the jury returned a verdict in the first names and on the fourth of \$500. The sotions were brought for the recovery of damages for the death by sufficient of Ross and Francis McGabey the death by suffication of Rosa and Francis McGabey pd for personal injuries resulting from the same cause) Presents McGabey, sentor, and Ann McGabey, as related in yesterday's Hamala.

Thomas Healy, a deputy collector of internal revenue has First district, who is charged with embessing \$1,075 of the government funds, was yesterday held to

bail, by Commissioner Newton, in the sum of \$15,000, to await the action of the grand jury. Healy annot that he did not intend to defraud himself, and rolled his declaration that he either lost the money or gavered to parties for more taxes than he had received.

In the Court of Oyer and Terminer, yesterday, An thony Mahn, convicted of murder in the second degree in causing the death of Stephen S. Carland by stabbing, pressive address from Judge Miller, in which he dwell forcibly upon the great danger of carrying deadly

Yesterday was the third and concluding day of the Hoboken race meeting. The first event was a hurdle race for \$500, one mile, over three hurdles, between Mr. Ryan's Expect and Mr. Midgely's Garrioldis. Ex pect won by three lengths, in 2:14%. The second race was for a handicap purse of \$500, for three year olds, a dash for a mile, Colonel McDaniel's Planet wor in 1:51%, beating Hampton Court and Relipse. The for beaten herses, a mile and a quarter dash, was wo by Colonel McDaniel's Eclipse beating Snedeker's Slashe

The General Transatiantic Company's stea de Paris, Captain Surmont, will loave pier No. 60 Norriver at three P. M. to-day for Hawre, calling at Bree The mails for France; will close at the Poss Office half-past Norwa'A. M.; The Imman line steamship City of New York, Capta

toskell, will sail at twelve M. to-day from pier 45 No river for Queenstown and Idvergool. The masts fo Ireland will close at the Post Office at half-past ten A. M Erin, Captain Hall, will leave pier No. 47 North river a noon to-day for Liverpool, calling at Queenstown to lan

The Anchor line steamship Caledonia, Captain Ma donald, will sail from pier 20; North river at noon to-day for Liverpool and Glasgow, calling at Londonderry to land mails and passengers.

The Hamburg American Packet Company's steamer Hammonia, Captain Ehlers, will sail from Hoboken at 12 M. to-day for Southampton and Hamburg. The sails for Great Britain and the continent will close at the Post Office at half-past ten A. M.

The fine steamship Fung Shuey, which has been runing for some time past in R. Lowden's line, between New York and New Orleans, will take her departure at three P. M. to-day, from pier 13 North river, for Hong Kong, China, calling at Rio Janeiro, Mauritius and Sinpapers. Her accommodations and speed will no doub-make her a popular vessel in the Chinese waters.

The popular steamship George Washington, Capta will leave pier No. 9 North river at three P. M. to-day, in H. B. Cromwell & Co.'s line, for New Orleans lirect.
The sidewheel steamship San Jacinto, Captain Atkins.

will leave nier No. 13 North river at three P. M. to-day for Savannah, in Messrs. Garrison & Allen's line. Until urther notice the departures for Savannah will be in ragular succession, a vessel leaving every fourth day, no

The fine steamship Granada, of Leary's line, will sail from pier No. 14 Fast river at three P. M. to-day for Charleston, connecting at that port with the ste Dictator for the Florida ports.

The stock market was dull yesterday and closed firm at an advance. Gold closed at 137 %.

The merchandise markets yesterday generally were decidedly more active and demer, white domestic produce ruled quite delt and heavy, though some articles advanced materially. Coffee was quiet but very firm. Cotten was a chade easier, though moderately active. On Ohnage flour rated dult and prices declined for a 10c. Wheat was dall and droop-ing, while seen and onto were trainer. Pork was a chade steady. Freights continued dail. Whiskey advanced, with a fair demand. Naval stores were more active and firmer, in view of the small stock. Petroleum was nore sought for. Wool continued heavy.

MISCELLANEOUS.

Our advices from South America, per Atlantic cab ted the offer of mediation in the pending war, pro copted the offer of mediation in the penning war, profered by the United States, through our minister, Mr Washburn, and will despatch at once an envey to Wash ington to represent Paraguay in the proposed Congress of representatives of the South American States. Bras and her alties, however, have not as yet signified their acceptance of the offer. There had been further fighting

Letters from our correspondents at the city of Mexico and Vera Cruz are published in to-day's Henale. The siege of both cities was still going on at last accounts, but with no marked change in favor of either party. General Dias, however, with a liberal force of twenty thousand men, was before the capital, and only awaiting the arrival of heavy artillery to commence the attack The 20th of April was the date fixed upon for a surrende or hombardment. Sisel was captured by the liberals on the morning of the 28th ult., and they remained in pos-session on the 7th inst., though hourly expecting an

We have files from Bormuda dated on the 7th of Max We have files from Bermuda dated on the 7th of May. The newly appointed Governor and Commander-in-Chief, Colonel Sir Frederick E. Chapman, K. C. B., R. E. had arrived at Hamilton from Halifax. H. B. M. screw gun vessel Steady left for Halifax. H. B. M. gunboat Minstrel left for Nassau and Jamaica. The French gunboat Diligante, Captain Reventl, from Havana bound to France, was in Hamilton harbor.

Affilm in New Orleans wear a decidedly volcanic assect: but the precupitonery measures adopted by the

After in New Orleans wear a decidedly volcanic as-pect; but the precautionary measures adopted by the military authorities will probably prevent an eruption. The troops are kept in readiness for action, and a gun-beat is anchored in front of the city ready to open fire. These precautions, together with General Mower's threat to clear out the mob with grape and canister, will no doubt have a salutary effect on the minds of the turbu-

lent portion of the population.

Hon. George Bancroft, the historian, was yesterda appointed by the President, Minister at Berlin in place nounced a few days ago.

A serious break in the Erie Canal is reported to have

occurred a short distance west of Schenectady. The captain of a ferry boat was arrested at Norfolk o

the 15th inst., charged with violating the Civil Rights Bill, in ejecting a colored woman from the white ladies' cabin of his boat.

The Bank of Commerce, of New Orleans, the lat

Jacob Barker's concern, suspended payment yesterday.

The question as to the right of the New York Central
Railroad Company to charge gold rates for fare, is to be
argued before the Supreme Court at Binghamton next

The Fernando Wood Leases-A Legal Muddle The legal hubbub over the Fernande Wood Nassau street leases was further increased ves terday by the restoration by Judge Barnard of the Pullman injunction, which was set aside a few days ago, restraining the Comptroller from executing and delivering the leases. So there are now two injunctions in operationone issued by Judge Sutherland, which has not yet been finally decided, and the one now restored by Judge Barnard. We advise the taxpayers of the city not to found too much hope upon these legal proceedings. Injunctions are often useful for the purpose of throwing dust in the eyes of the public, and they generally end in nothing more than dust and smoke. It is very probable that this will be the result in the Fernando Wood lease jobs The people know that the property agreed to be leased by Mayor Gunther and the Common Council is not worth one-fourth the amount which the city is required to pay for it, and that the taxpayers are to be victimized by the operation to the sum of two bundred thousand dollars. But there is very little hope of ultimate relief from the courts. If the Comp-troller would set down his foot and absolutely refuse to execute and deliver the leases-orde or no order, mandamus or no mandamus-his action would meet the approval of the people We do not believe there is any judge on the

beach who would cause his arrest for protect

ing the city treasury from such a legalized

The Recent Furcical Attempt to Try Jeff

The recent attempt to bring, or pretence of bringing, Jeff Davis to trial was a solemn legal mockery run into farce. All the way through this case has presented both a ridiculous and most serious aspect at the same time, and has ended in humbug and hypocrisy. Jeff Davis was the leader and represen tative man in the attempt to break up the best govern ment that ever existed. He was the President of that powerful rebel confederacy which for four years shook the foundations of the Union which caused the slaughter of half a million of men, the flower of the country, which has burdened us with a debt, national, State and mu-nicipal, of nearly four thousand millions of dollars, and which has plunged us into a sea of innumerable other troubles. More than that he was one of the chief secession agitators originally who brought on the war States, army officer, Secretary of War, and ubsequent President of the most gigantic rebellion, closed his career of horrors and power by being ignominiously captured when linguised and decing in the imbiliments of an old woman. Charged, not only with the orime of treason, but with being an accessory to the dreadful one of assassinating the President of the United States, he is liberated without a trial, on straw bail, and lionized by a set of Northern politicians and pseudo philanthropists as a suffering martyr. Such is the unparalleled spectacle of high crimes, solemn legal mockery, and ridiculous farce combined, which his case and career present.

But apart from these phases of the case as

regards Jeff Davis himself, who, after all, is a little, narrow-minded man, the whole action of the government in the matter, from beginning to end, has been disgraceful. . Under the charge of a double crime of the most beinous nature, he was manacled and punished with a severity of solitary confinement awarded only to the worst criminals after being found guilty. Without a trial the charge of complicity in the assassination of President Lincoln was abandoned, and neither he nor the country have ever been informed of the reasons for the charge or the abandonment of it. For two years he was a prisoner under the other charge-treason, and yet during all that time he was not brought to trial, though the country was in a state of peace, and though the constitution guarantees to every one a speedy trial. There always was sufficient cause and evidence to sustain the accusation of treason, and, perhaps, for conviction of that orime. President Jo asserted and reasserted, officially and unofficial ly, in the most emphatic manner, that treases was a dreadful orime, and traiters should be published. Tet, in spite of these repeated declarations, no attempt was made to try Davis. Undoubtedly treason, as Wesley said to the sum of all orings, for the co man who was regarded as the chief of traitors was never legally accused. After holding the prisoner two years the government virtually abandons this charge also by releasing him on straw bail. The laws remain unvindicated, and the government really avows by this last act that it cannot be reached. If this be so, the government rests on a weak foundation. Any wicked and reckless adventurer may plunge

the country into civil war with impunity. The different departments of the government have endeavored to shift the responsibility of keeping Jeff Davis untried for two years from each other's shoulders. The executive held him completely in its power and did nothing. Chief Justice Chase would have nothing to do with him, although it was his duty to see that no one should be held an unreaso without trial, and to vindicate the laws by ed. Both the rights of the prisoner under the constitution to be speedily tried and the one department of the government did not harmonise with the other, because one wished to embarrass the other, and all for political effect. The people hereafter will hold both responsible, giving, however, the greatest blame to the Chief Justice, because he could have demanded the prisoner and have tried him at any time.

One of the most remarkable features con sected with the case of Jeff Davis is found in the conduct of the editor of the radical organ in this city. He was the first to go bail for Davis. He had manifested an earnest desire to do so for a long time previously. Under the pretence of humanity and a sense of justice he sought this notoriety. Inconsistent as is his conduct in this respect, with his radi-cal dogmas and radical affiliations, it is characteristic. At the commencement of the war he advocated secession. Let the rebel States go he said. It is quite in keeping, too, with his "on to Richmond" vagaries which nearly ruined the Union cause, and with the radica cry of on to specie payments, which would bring universal bankruptcy, and, possibly, repudiation. The course that he and such like radicals pursue weakens the arm of the government, makes the law a farce, and threaten us with the greatest evils in the future. The effect is very bad upon the public mind. The people will naturally be surprised that the erifice of five hundred thousand lives and the creation of a debt of three or four thousand illions of dollars to put down treason have only ended in the virtual declaration that there s no such crime. If the government is to be conducted in this manner they may begin to raise questions about paying an enormous debt that has produced no better result. We can only hope that the government and politics of the country may soon be in the bands of more practical and conservative men, who will neither ald treason nor leave it unpunished.

The War in South America-The Mediation

of the United States. The cable despatch from Lisbon, published this morning, brings the intelligence from Rio Janeiro that the proposition of our government for a meeting of the representatives of the South American States at Washington, with a view to peace, is not entirely disearded. Lopes, the ablest and shrewdest of the South American leaders, had accepted the profered mediation of our government and signified his intention to despatch a special envoy on the part of Paraguay to the national capi-tal. The allies, on the other hand, hesitated to acquiesce in the proposition of Mr. Seward: but it foce not appear that they have

finally rejected it, although doubt is expr any inverable action on their part. A all, something may grow out of the friendly proffer of our government, and Mr. Seward, before he retires to private life, may have the satisfaction of knowing that he has contributed to secure peace to the South Americans, as well as free institutions and equal rights to the citizous of Walrussia.

her welfare and that of her family.

etts and Marie Stuart historical charac

terisation bas reached its climax; and this is

quite true. But we are confident that in her

Marie Antoinette Ristori would surpass her-self. She could not have selected a finer sub-

ject for the tragedy which Paolo Giacometti

(the author of Elisabetta), is now engaged in

writing expressly for her. Giacometti will

meet Madame Ristori at Paris, and will be ber

guest during her visit of two months to the

ity. He will visit Versailles and familiariz

imeelf with all that can aid him in giving the equisite local coloring to his tragedy, and he

will enjoy, increaver, the inappreciable advantage of personal consultations with Ristori while he is completing it. How full of life and incident it must be! And what other living

actress could hope so faithfully to reproduce

the daughter of a great empress and the wife

of a powerful king amid all the vicissitudes

of the eventful period with which the name of

Marie Antoinette is so fatally associated ? From

her triumphant procession from Vienna to Com-

piègne, and the celebration of her marriage at

ersailles, with all the pomp and parade which

marked the luxurious court of Louis XV., and

the magnificent fêtes at Paris, which were in-

terrupted by a most terrible accident-from

these opening scenes of her career in France,

when, as described by Burke, she was glittering

like the morning star, full of life and splendor

and joy, until the painful days of her imprison-

ment and trial, in which the best of her traits

were developed, and we see her only as a noble,

ersecuted woman, and until she perished on

the scaffold, the story of Marie Antoinette is of

thrilling interest. And in view of the circum-

sances which surrounded her as a central

figure at the beginning of the greatest modern

revolution in Europe, with its flerce struggle-

which is not yet ended-between royal and

ristocratic privileges and democratic rights.

and died is powerfully enhanced beyond any

which we can actually have in the more remote

days of Elizabeth and Mary Stuart. It is not

intended to bring out the new tragedy in Paris,

where the author dreads the severity of the

concerning, manager is written will be bush as to meet with full sympathy only in countries where republican and democratic ideas prevail.

ming Madama Ristori's American tous

Adrienne Lecouvreur and Giuditta, seven

times in Phèdre, fourteen times in Macbeth,

eighteen times in Medea, forty-eight times in

Mary Stuart and fifty-nine times in Elizabeth.

In her eloquent and touching farewell, last evening, Madame Ristori alluded to the intelli-

gent appreciation with which her performance

in New York, "the birthplace of her succe

have been received in this country, particularly

She has also warmly expressed her sense of

indebtedness to Mr. Grau for the friendly ac-

tivity and energy which he has displayed in his

managerial capacity. In bidding her an affec-tionate farewell, we cannot refrain from re-

peating our hope that Ristori may yet be in-

duced to decide upon favoring the United

States with another visit. We can safely pro-

The Spanish Questie

cessful in settling the affairs of France and

Prussia in regard to Luxemburg than in set-

tling her own difficulty with Spain. Thirty years ago, had it been possible for Spain at that date to act the foolish part she is now

playing, and give England the same amount of

provocation, it is not too much to say that

within one week the British government would

have delivered their ultimatum. British guns

would have laid Cadiz in ruins, and British

troops would have been on the highway to Madrid. These thirty years have, no

doubt, been years of progress, and during that period Great Britain, as well as

most other countries, if, perhaps, we except Spain, have learned to combine

caution with energy. We have no reason to

regret the change, although when we remember

the recent bombardment of Valparaiso it is

difficult to see why Spain should be the first to

rean the benefits which that change has pro-

duced. Whether Spain shall be brought to her

senses with or without an actual attack it may

be hazardous to predict. This much, however,

is certain—that the situation of affairs at the

present moment is sufficiently warlike to beget

neculation as to the probable doings of Eng-

land in the event of war breaking out. In

yesterday's HERALD we published a suggestive

etter from the pen of our special correspond-

ent in London. In that letter it is spoken of

as a certainty that the first blow struck by Great

Britain would be on the island of Cuba.

It would not surprise us if such should prove to be the fact. The acquisition

of Cubs would not only strengthen the

already strong position of Great Britain in the

West Indies-would not only give her complete

command of the Mexican Gulf, but would be s

splendid offset to our comparatively barren acquisition in the North. It is not to be sup-

posed that Great Britain is ignorant of the effect which such a step on her part would

produce on the mind of the American public.

It has long been a settled point with us that

Spain may hold Cuba while she can, but that

directly a change of masters becomes neces-

sary the fate of the Queen of the Antilles must

be linked with that of the Great Republic. It

would certainly be strange-it is not, however, past conception-if England succeeded

in dragging France into an alliance on this

question. The humbling of the United States

would not be unpleasant to either of them.

France will not readily forgive us for our

interference in Mexico. England is not quite

pleased with some of our recent movements

Nor is there any lack of spoil. If Cuba were

to fall to the lot of England the sacrifices of France might be rewarded by having added to

the empire an ancient possession. St. Domingo might thus become another Mexico, in which

Napoleon, with perhaps greater success, could

mise ber another triumphal tour.

interest in the period in which she lived

The Military Condition of the South. The Southern States are in an anomalous position with respect to law. They are, under the constitution, nominally entitled to the mass of rights it secures; yet they are so far fro being self-governing republican communities that the whole machinery of civil society, in any one or all, may any day suddenly become ordinate to the will and authority of military rulers, practically absolute. In such a case we clearly cannot say that civil law—the republican routine of peace, is re-established; yet military law is neither declared nor exercised. Martial law was recently declared in Ireland morely that the authorities might not be bethered by the habeas corpus out; yet the habeas corpus act is in full operation in the South, as we have lately seen, and courts, Sinte and federal, all and determine all questions of personal right, unawed by neighboring bayonets. In thus assigning to the South a middle legal status between the laws of peace and the laws of war-in making it a special case by a special law-Congress has on the one hand given the South full opportunity to reconstruct itself as a civil and political community, free in will, unoppressed by military domination; and, on the other hand, has well provided that it shall not overstep certain definite lines, and shall not offend the national propriety by an outrageous disregard of requirements that may be made by the con-

This, as we have said, is an anomalous position. No community was ever before so strang ly held between two extreme conditions of exstence. It is a position, moreover, that impose duties peculiarly delicate in their nature upon all parties—the more especially at those points where there is contact and, may be, friction. Such delicate duties are especially imposed upon the military commanders intrusted with the execution of the Reconstruction law, and who must for the present be the expounders of the law also-who must act under the military bill, and, in a degree, judge for themselves when such interference with the civil law as the bill contemplates is called for and necessary. Here is a point on which there will inevitably be erences of opinion. Such differ dways arisen. Different views as to the his when the represents power of taw should be invoked arise even here in our own; city. We cannot hope, therefore, that they will not arise in the singular political position of the Senthern States. To decide them there is a pointed great delineary for worse counts what flow from delicacy; for worse results must few from error officer way, since society there has lost its natural clasticity—its recuperative power. In European rule the presumption in doubtful cases is always in favor of the enforcement of law, lowever barsh or onerous the law may seem but it is the essence of our American system that the presumption is the other way—that in doubtful cases we presume in favor of personal freedom—of the largest liberty of action short of crime, trusting and believing that no man will designedly violate the law. Hence we are less governed than others are. Our military commanders should never forget that this aspira tion toward the least possible government and the largest liberty consistent with the rights of others is a first principle in all American law. But the continued existence of society depends on peace and justice. They must therefore cer tainly preserve peace and do what they may to secure justice without too deeply touc the organization of courts. Where does a vioerances. He believed that such utterance timulated ill-will on the part of people towards the soldiers; that such Ill-will generated a haughty, insulting demeanor, and thus led to such relations between his soldiers and the people as lead to collisions, and any fight might lead general insurrection throughout the city. Here s exactly a case in point. Did the General interfere in favor of peace at too early a stage ? We are of opinion that in all such cases the Generals should be sure there are no other means before they use their authority. In the case of the incendiary orator, Hayward, the allegation was that his utterances were incitements to riot. This was tried by the civil anthorities. If they were sufficient there, they would have been in the other case, and would be in all similar cases. The press is not freer than speech is; but both rights are limited by the rights of the community at large, which depend upon order and peace. If the courts can secure the observance of that limit-if the

But if the courts cannot secure this; if judicial decisions are tinctured with the political entiments of the magistrate; if the batred generated by the war renders it impossible for man to have justice without regard to his history or opinions; if we can see this in cases tried before the Southern courts, then we will have some positive evidence resulting from this experimental bill, and will know that the South is not competent to guard its own interests-not so far restored that it can be left to itself. But with this made clear, should the military authorities under the present law then act to prevent expressions because they might lead to violence? We believe not. That might lead to abuses that we can never too carefully guard against. It would substitute opinion and a judgment of probabilities for law. We must have the fact of disturbance—those open acts by which the South must develop its intention not to submit to law, if it has such intention. It is of course easier to prevent than to suppress disturbance ; but we must accept the more troublesome way as the only one by which we keep firm groun under us. The supremacy of law implies in every age one of two things-consent or force. The problem with respect to the South is to find out which of these we are to rely upon. And we must judge mainly from the actions the Southern people. Give that people, therefore, the full chance to exhibit its consent, or by resolute ill-will to make against itself the unmistakable case that will justify us in assuming that it is amenable to no government but one founded on force.

military power is not really necessary—much

s already done for the restoration of society,

and we ought to know it.

resume his ethnological experiments. The mixed races in St. Domingo might prove more ductile in his plastic hand than he found them to-day, bearing with her to Europe the warmest wishes of the American people for in Mexico. Joking apart, however, this thing must not be. America will not permit it. It How is well that France and England should know gladly would she be welcomed again in this untry should she ever be induced to revisit this at once. The Spanish difficulty may be get over as best it may, but Cube must not be our shores! We are reluctant to abandon all ope of ever seeing her return to the United States, and the more so since we have learned The English Referm Bill. that she intends to enrich her répertoire with a It is evident that whatever concessions u be made by the Derby Cabinet to the oppo character—that of Marie Antoinette. An appreciative critic has said that in Ristori's

tion in Parliament they will fail to satisfy the masses. The government are placed in this difficulty, that if they go too far they endanger the assage of the bill in the Lords. As at me tituted it is pretty certain the upper house will throw out any measure that embodies all the amendments insisted upon. Short of these and even with these, the bill will not be worth anything, according to Mr. Bright's views.

It is possible that it may be carried in the opposition; but what prospect does that hold out? A fresh agitation and exactions still more formidable. Even in the event of the going to the upper house there is no certainty of the bill passing. What course the Cabine will pursue in case of its defeat there w can only judge of by inference. From th nanner in which it has acted thus far in regard to the measure we are entitled to conclude that ooner than abandon office it would resort to a dissolution of Parliament and a fresh creation

These last shifts of tenacious officeholden would, however, avail but little. It would be tponing, not surmounting, the difficulty. It is clear from his recent speech that Mr. Bright does not mean to stop at his present demands. Neither will the dissatisfaction, already so menacing outside, decrease in the interval The tide will continue to swell until it acquires overpowering strength. No tory adninistration can withstand it. It is a question whether even a liberal one, unless it is prepared to go the lengths insisted upon by the

popular leaders, can maintain itself against it. The time has gone by in England for party compromises. The masses feel their power and are determined to use it. If the aristocracy carry their resistance to the point of compel ling them to use force, then revolution is in evitable. This is what Mr. Bright's fresh agitation means. There is no compromise possible in the programme which he lays down.

Street Parement John-A Check for Common Council have recently po

rdinances or resolutions for paving with the Nicholson process pavement Nassau stg pruce to Wall street; Pearl, from I all street; Bruad, from Wall to South street; and Mercer, from Canal to Bighth street. I jobs have all been signed by Mayor, Hed and it becomes the duty of the Croton A duct Department to outer into contents three times in Dohorsh, four times each in Angelo and Pia di Tolomet, five times each in the owners of the Nicholson paveme for the work. Unless some steps sho taken to prevent the final cons these jobs, therefore, the property owners or payers of the city, will be called upon to pay a large amount of money for an inferior per ment, when they could get a better pavem at about two-thirds of the cost. The Mayor pretends to have signed these ordinances because two-thirds of the property owners along the streets to be thus paved the assent of two-thirds of the property owners before approving any such action of the Common Council.

> and property owners. The Croton Aq Department is, fortunately, in the hands of honest men. The Commiss that the Nicholson pavement is neither d Corporation as a job. It is the province of the issioners to make the contracts for the work. Before they sign a single contract they Counsel O'Gorman as to whether the nances or resolutions ordering such work can be passed without a three-fourths' vote of all the members elected to each Board of the Common Council, in conformity with the fol-lowing section of the City Tax Levy for 1867: Sacross 3. The terms of edies of the persons constituting the Board of Councilmen of the constituting the Board of Councilmen of the conservation of the councilment of the Councilment of New York, or for either Board there appropriate, expend or authorize the expenditure of the Councilment of

But there is one hope left for the taxpayers

The contract for the work is, in fact, an obligetion created and binding upon the Corpora tion. The bonds of the city are issued to raise the money to pay the contractors, and the city is bound to pay those bonds, and in case of any informality or flaw in the assessment, is beholden for the whole amount thereof. Indeed, the city generally has to pay one-half of the assessment; for the plan of the Common Council is, first to pass an ordinance asses the whole cost of these improvements on the property , in order to get the contract made by the Croton Aqueduct Department, and as soon as it is secured, then, with the consent of the Mayor, to reconsider the ordinance, relieve the property owners of one-half of the assess ment, and assess that half upon the city at large. Under these circumstances the conclearly "create an obligation binding on the Corporation." and as such can only be authorized by a three-fourths vote of all the members elected to each Board of the Common Council. We call upon the Croton Aqueduct Department to refuse to sign any of the contracts for the Nicholson pavement job until they have obtained the opinion of Corporation Counsel O'Gorman and are fully satisfied on this important point.

The Case of Ketchum-What should the Governor do !

The Western papers are just now reviving the case of Ketchum, who is in the Sing Sing State prison under sentence for heavy forgeries committed in this city nearly two years ago They publish letters from Horace Greeley, William C. Bryant and others to Governor Fenton. favoring the pardon of the prisoner, and memorial praying his release, signed by Moses Taylor, Jonathan Sturges, John J. Cisco and many of the leading millionaires of New York. These articles from the Western press are republished by some of our city contemporaries.